

**महाराष्ट्र प्रादेशिक नियोजन व नगर रचना अधिनियम, १९६६
बृहन्मुंबई विकास नियंत्रण नियमावलीतील नियम ३३(५)
मध्ये करावयाच्या फेरबदलाबाबतची अधिसूचना.**

**महाराष्ट्र शासन,
नगर विकास विभाग,
शासन निर्णय क्रमांक: टिपीबी-४३०८/७४/प्र.क्र.११/२००८/नवि-११
मंत्रालय, मुंबई : ४०० ०३२, दिनांक : ६ डिसेंबर, २००८.**

शासन निर्णय:- सोबतची अधिसूचना राज्य शासनाच्या साधारण राजपत्रात प्रसिध्द करण्यात यावी.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नांवाने,

सही/-

(अभिराज गिरकर)

अवर सचिव, महाराष्ट्र शासन.

प्रति,

सचिव, गृहनिर्माण विभाग, मंत्रालय, मुंबई.

महापालिका आयुक्त, बृहन्मुंबई महानगरपालिका, मुंबई.

मुख्य कार्यकारी अधिकारी, म्हाडा, गृहनिर्माण भवन, वांद्रे (पूर्व), मुंबई-५१.

संचालक, नगर रचना, महाराष्ट्र राज्य, पुणे.

उपसंचालक, नगर रचना, बृहन्मुंबई, मुंबई.

उप सचिव, नगर रचना, नगर विकास विभाग, मंत्रालय, मुंबई.

प्रमुख अभियंता (वि.नि.), बृहन्मुंबई महानगरपालिका मुंबई.

व्यवस्थापक, शासकीय मध्यवर्ती मुद्रणालय, चर्नीरोड, मुंबई.

(त्यांना विनंती करण्यांत येते की, सोबतची अधिसूचना महाराष्ट्र शासनाचे साधारण राजपत्रात भाग-१ मध्ये प्रसिध्द करण्यात येवून त्याच्या प्रत्येकी २५ प्रती नगर विकास विभाग, (नवि-११), मंत्रालय, मुंबई-३२ व उप संचालक, नगर रचना, बृहन्मुंबई, मुंबई यांना पाठविण्यांत याव्यात.)

कक्ष अधिकारी (संगणक कक्ष) (नवि-२९), नगर विकास विभाग, मंत्रालय, मुंबई ४०० ०३२.

(त्यांना विनंती करण्यात येते की, सोबतची अधिसूचना विभागाच्या वेबसाईटवर प्रदर्शित करण्याबाबत आवश्यक ती कार्यवाही करावी)

निवडनस्ती (नवि-११).

सेक्शन ३७ फाईल.

**Maharashtra Regional & Town
Planning Act, 1966.**

- **Modification to Regulation 33(5) of
DCR for Gr. Mumbai under section
37(2)**

**GOVERNMENT OF MAHARASHTRA
Urban Development Department,
Mantralaya, Mumbai 400 032.
Dated 6th December, 2008.**

NOTIFICATION

No. TPB 4308/74/CR-11/2008/UD-11:

Whereas the Development Control Regulations for Greater Mumbai, 1991 (hereinafter referred to as “the said Regulations”) have been sanctioned by Government in Urban Development Department, under section 31(1) of the Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred to as “the said Act”) vide Notification No. DCR 1090/UD-11(RDP) dated 20th February, 1991 to come into force with effect from 25th March, 1991.

And whereas, Regulation 33(5) of the said Regulations deals with Low Cost Housing Schemes of the Maharashtra Housing & Area Development Authority (MHADA).

And whereas, Govt. in Housing Department has declared the “Housing Policy” (hereinafter referred to as “the said policy”).

And whereas, the said policy proposed to allow redevelopment of MHADA colonies by providing higher FSI and to revise the size of old tenements. This will enable the present occupants to have better accommodation as well as create additional housing stock.

And whereas, Govt. found it necessary to prepare a new set of regulation No. 33(5) by replacing the existing regulation No.33(5) (hereinafter referred to as “the said proposed modification”).

And whereas, in view of the facts and circumstances mentioned above and in exercise of the powers contained in sub-section (1AA) of section 37 of the said Act, Government had issued the notice of even no. dated 3/7/2008 (hereinafter referred to as “the said Notice”) regarding the said proposed modification, for inviting suggestions/objections from any person with respect to the said modification.

And whereas, the said notice was published in the Government Gazette (Ordinary) dated 17/7/2008 and in the news paper namely The Hindustan Times (English) dated 8/7/08.

And whereas, as per the said notice Government had appointed Deputy Director of Town Planning Gr. Mumbai as an officer under section 162 of the said act (hereinafter referred to as “the said officer”) to scrutinize any suggestions/objections received and to grant hearing to the

persons submitting suggestions/objections including say of the Municipal Corporation of Gr. Mumbai (hereinafter referred to as "the said Corporation") and to submit his report to the Government regarding the said modification.

And whereas, accordingly the said officer has submitted his report vide letter No. DDTP/Br.Mumbai/37(1AA)3697 dated 17/11/08 to the Government (hereinafter referred to as "the said Report"). He has recommended to sanction the said modification with some changes considering the suggestions/objections received from the general public.

And whereas, after consulting Director of Town Planning, Maharashtra State, Government is of opinion that the said modification should be sanctioned with some changes.

Now therefore, in exercise of the powers vested under section 37(2) of the said Act, Government hereby sanction the said modification with certain changes as mentioned below:-

MODIFICATION

Regulation 33(5) of the said regulation is deleted and replaced as per the Schedule attached herewith.

By order and in the name of the Governor of Maharashtra,

sd/-
(Abhiraj Girkar)
Under Secretary to Government.

SCHEDULE

Accompaniment to Government in Urban Development Department's Notification No. TPB 4308/74/CR-11/2008/UD-11 dated 6th December, 2008.

33(5) Development/redevelopment of Housing Schemes of Maharashtra Housing & Area Development Authority:

- 1) **The FSI for a new constructed tenements scheme of Low Cost Housing Schemes on vacant lands for Economically Weaker Section, Low Income Groups & Middle Income Group of the MHADA having at least 60% built up area in the form of tenements under EWS, LIG & MIG categories shall be 2.50.**
- 1) **For redevelopment of existing housing schemes of MHADA, undertaken by the MHADA departmentally or jointly with societies/occupiers of buildings or by housing societies/occupiers of building or by lessees of MHADA or by the developer, the FSI shall be as under –**
 - a) **Total permissible FSI shall be 2.5 on gross plot area.**
 - b) **The incentive FSI admissible against the FSI required for rehab shall be as under –**
 - (i) **In Island City, for the area upto 4000 sq.mt. the incentive FSI admissible will be 50%.**
 - (ii) **In Island City, for the area above 4000 sq.mt. the incentive FSI admissible will be 60%.**
 - (iii) **In suburban area, for the area upto 4000 sq.mt. the incentive FSI admissible will be 60%.**
 - (iv) **In suburban area, for the area above 4000 sq.mt. the incentive FSI will be 75%.**
 - (c) **In the redevelopment scheme either (i) difference between 2.5 FSI and the FSI required for rehab + incentive shall be shared between MHADA and Society/Developer in the ratio of 2:1 or (ii) for additional built up area over and above the permissible FSI as per DCR 32, MHADA shall charge premium at the rate decided by Govt. in Housing Department from time to time.**
 - (d) **In the scheme, for the land developed for societies of HIG and developed plot allotted individually HIG group, the permissible FSI shall be as per Development Control Regulation 32.**

Provided that if the redevelopment of existing housing scheme of MHADA fulfils the provision of 33(9) of the said Regulation, modified from time to time, then it may be undertaken under Regulation 33(9).

- 1) **For the purpose of calculating the FSI, the entire area of the layout including development plan roads and internal roads but excluding the land under the reservation of public amenities shall be considered. Sub-division of plots will be permissible on the basis of**

- 2) **compulsory open spaces as in these Regulations. For low cost housing schemes of MHADA for EWS, LIG categories, the Regulations in Appendix-I [excluding 1(b)] shall apply.**
- 3)
- 1) **For the purpose of this Regulation the carpet areas for EWS, LIG or MIG tenements shall be as determined by the Government from time to time.**
- 1) **For the off site infrastructure, MHADA shall pay to the MCGM 12.5% of the charges collected by MHADA for the grant of additional FSI (FSI over and above the normally permissible FSI) for the Redevelopment Schemes.**
- 1) **Notwithstanding anything contained in these regulations, the relaxations incorporated in Regulations No.33(10) of these regulations shall apply for Housing schemes under this regulation for tenements under EWS/LIG and MIG categories. However, the front open space shall not be less than 3.6 mt.**
- 1) **In any Redevelopment scheme where the Co-operative Housing Society/Developer appointed by the Co-operative Housing society has obtained No Objection Certificate from the MHADA/Mumbai Board thereby sanctioning additional balance FSI with a consent of 70% of its members and where such NOC holder has made provision for alternative accommodation in the proposed building (including transit accommodation) then it shall be obligatory for all the occupiers/members to participate in the Redevelopment Scheme and vacate the existing tenement for the purpose of redevelopment. In case of failure to vacate the existing tenements, the provisions of section 95A of the MHAD Act mutatis mutandis shall apply for the purpose of getting the tenements vacated from the non co-operative members.**
- 1) **A corpus fund, as may be decided by MHADA, shall be created by the Developer which will remain with the societies for its maintenance.**

(Abhiraj Girkar)
Under Secretary to Government.